

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MIKECHEL BROOKER,

Petitioner,

v.

DEREK F. OBERLANDER,

Respondent.

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CIVIL ACTION

NO. 19-5569

ORDER

AND NOW, this 2nd day of December, 2022, upon careful consideration of Petitioner Mikechel Brooker's "Petition for Writ of Habeas Corpus" (ECF No. 1), Respondent's response thereto (ECF No. 10), Petitioner's "Response and Motion to Amend and Supplement Initial Writ of Habeas Corpus" (ECF No. 37), the Report and Recommendation of United States Magistrate Judge Marilyn Heffley (ECF No. 38), and noting that Petitioner has failed to file timely objections to the Report and Recommendation despite being given four extensions to do so (ECF Nos. 41, 43, 45, 52), it is hereby **ORDERED** that:

1. The Report and Recommendation (ECF No. 38) is **APPROVED** and **ADOPTED**.
2. Petitioner's Pre-Disposition Motion for Appointment of Counsel, Expansion of the Record and Rule 6 Pre-Disposition Discovery (ECF. No. 2) is **DENIED**;
3. Petitioner's Motion to Amend and Supplement Initial Writ of Habeas Corpus (ECF. No. 37) is **GRANTED in part and DENIED in part**. The Motion to Amend and Supplement is **GRANTED** to the extent Petitioner seeks to amend and supplement his petition for habeas corpus, and such supplement to his petition has been considered. The Motion is **DENIED** to the extent that it seeks discovery or other relief on the claims raised therein;

4. Petitioner's "Petition for Writ of Habeas Corpus" (ECF No. 1) is **DENIED**.
5. There is no basis for the issuance of a certificate of appealability.
6. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ *Mitchell S. Goldberg*
Mitchell S. Goldberg, J.